



The motion to seal is GRANTED temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 161. SO ORDERED.

February 11, 2021

Via ECF

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

February 11, 2021

**Re: *Boyce v. Weber*, Case No. 19-cv-03825 (JMF) (SN)**

Dear Judge Furman,

Based on Defendants' request, Plaintiff seeks permission from the Court to file portions of Plaintiff's Opposition to Defendants' Pretrial Motions and supporting documentation under seal. The requested sealed testimony relates to witness Sam Shahid's previous sexual harassment lawsuit ("Shahid Testimony"), which Plaintiff cited in his motion to respond to Defendants' Motion in Limine VI (Motion in Limine to Preclude Sexual Harassment Lawsuit Against Sam Shahid). Plaintiff expresses no position about whether the Shahid Testimony should be sealed at this time, and reserves the right to seek to unseal such materials in the future.

Defendants requested that Plaintiff include the following language in this letter-motion:

During meet and confers on this issue, Plaintiff indicated that his response to Defendants' Motions in Limine will contain portions of Shahid's deposition transcript that are already sealed and/or redacted. At Shahid's deposition, Plaintiff's counsel agreed to seal and/or redact certain portions of Shahid's testimony, and that any use of Shahid's transcript in filings with the Court would also be sealed or redacted. It is Defendants' position, as it was at Shahid's deposition, that references to the alleged sexual assault involving Shahid, which is wholly unrelated to Plaintiff's allegations, are highly sensitive, subject to privacy concerns, inadmissible at trial, decades old, and only intended to shame him.

Therefore, pursuant to this Court's Local Rules, and *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006) (providing for sealing when "higher values necessitate"), Defendants have instructed Plaintiff to move the Court to file Shahid's deposition testimony under seal, and to seal and/or redact any references to his testimony or the alleged sexual assault that go beyond what Defendants said in their Motion in Limine.

Pursuant to this Court's Electronic Filing Rules & Instructions, Plaintiff will file the subject documents under temporary seal and relate them to this Motion. Plaintiff will also publicly file

said materials with redactions. Plaintiff respectfully request this Court permit Plaintiff to file his Opposition to Defendants' Pretrial Motions and supporting documentation under seal.

Respectfully submitted,

/s/ Arick Fudali

Arick Fudali

Attorneys for Plaintiff